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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

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19 ORACLE AMERICA, INC.,
20 v. Plaintiff,
21 GOOGLE INC.,
22 Defendant.

Case No. 3:10-cv-03561 WHA

23 **DECLARATION OF BRIAN C. BANNER
24 IN SUPPORT OF DEFENDANT GOOGLE
25 INC.S' REPLY IN SUPPORT OF THE
26 SECOND MOTION TO STRIKE
27 PORTIONS OF THE MITCHELL
28 PATENT REPORT**

Date: October 13, 2011
Time: 8:00 a.m.
Courtroom: 9, 19th Floor
Judge: The Honorable William Alsup

Trial Date: October 31, 2011

1 I, BRIAN C. BANNER, declare as follows:

2 1. I am an associate in the law firm of King & Spalding LLP, counsel for defendant
3 Google Inc. (“Google”) in this case. I submit this declaration in support of Google’s Reply In
4 Support of the Second Motion To Strike Portions of Mitchell Patent Report. I make this
5 declaration based on my own personal knowledge. If called as a witness, I could and would
6 testify competently to the matters set forth herein.

7 2. Attached to this declaration as Exhibit F is a true and correct copy of the United
8 States Patent and Trademark Office’s Interview Summary in connection with *Ex Parte Re-*
9 *examination 90/011,489* of U.S. Patent No. 6,061,520 (highlights added).

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12 I declare under penalty of perjury that all the foregoing facts are true and correct and that
13 this declaration was executed on October 6, 2011 in Austin, Texas.

14

/s/ Brian C. Banner /s/

Brian C. Banner

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18 I hereby attest that Brian C. Banner concurs in the e-filing of this document.

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Dated: October 6, 2011

/s/ Mark H. Francis /s/

Mark H. Francis

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